



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Notice of Federal Response Action

Issued to: Da Xiong Pan
Su Yan P Pan
Pan Metals Co.
Panda International Trading Co.

Date: 06/14/2016

Location: 3570 Fruitland Ave., Maywood, CA

The U.S. Environmental Protection Agency (EPA) has been informed of a release or threatened release of hazardous substances, pollutants or contaminants into the environment at the Fruitland Magnesium Incident site, located at 3570 Fruitland Ave., Maywood, CA (the site).

Under the authority of the National Contingency Plan (NCP), 40 CFR Part 300, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. Section 9601, et seq., EPA evaluates whether responsible parties or other agencies are properly responding to such releases.

This site is within the jurisdiction of EPA and the EPA On-Scene Coordinator (OSC) is charged with coordinating, directing, and reviewing the work of responders to insure compliance with the NCP. The OSC for this site is Robert Wise.

Responsible parties generally include the current or former operator and/or owner of the site and persons who generated or were involved in the transportation, management, or disposal of the materials at the site. Before EPA initiates a response, potentially responsible parties, where practicable, are offered the opportunity to conduct the response. If the responsible party decides to perform the work, EPA may enter into an administrative agreement with the party which memorializes that commitment. If the responsible party is unwilling to perform the response, EPA may issue an order which requires the party to perform the work or EPA may perform the work. If public funds are expended for a response action, responsible parties may be held liable for all government costs, including the cost of overseeing work performed by responsible parties.

This notice is to inform you that EPA has determined that a response action is necessary at the site and to give you the opportunity to conduct the response. Your intention to do so, or your unwillingness to do so, should be immediately conveyed to the OSC. Correspondence should be directed to the OSC at wise.robert@epa.gov.

If the OSC determines that the response to the release or threatened release is not being properly conducted, EPA may initiate the required response action. Please perform, the following actions are considered necessary for a proper response, within the specified time frame:

TASK*
Provide a Work Plan that describes strategy for the removal and the disposal facilities to be used. Work plan to include the following tasks: <ol style="list-style-type: none"> 1. Decontamination of all off-site areas impacted with hazardous substance ash, debris, fire suppression water or other materials that resulted from the fire. 2. Removal of all hazardous substances from the site. 3. Proper packaging and off-site transportation for disposal of all hazardous substances on the site.
Provide a Health and Safety Plan (HASP) that meets the requirements pursuant 29 CFR 1910.120(b)(4).*
Provide a Sampling and Analytical Plan (SAP) for all sampling activities including air surveillance, hazardous waste characterization, structural contamination assessment, soils assessment (surface and subsurface). *
Provide proof of compliance with 29 CFR 1910.120: Hazardous Waste Operations and Emergency Response (HAZWOPER) for all contractors. Proof of compliance must include: the written safety and health program plan and all ancillary plans required pursuant to 29 CFR 1910.120(b)(1); proof of a medical surveillance program (29 CFR 1910.120(f)); and proof of training (29 CFR 1910.120(e)).
Maintain site security and restrict site access.
Prevent all discharges of hazardous substances from site.
Characterize, collect, and remove all CERCLA hazardous substances at the site. This may include and is not limited to: building debris, facility equipment, product inventory, chemical feedstocks, hazardous wastes, free liquids, water collection and treatment system, contaminated waters and surface/subsurface soils.
All hazardous wastes must be properly manifested to a CERCLA Off-Site Rule approved facility. Provide advance notification to OSC (approx. 48 hr) of any shipments of hazardous substances or hazardous wastes off-site.
Provide copies of all waste manifests, bills of lading and all other shipping papers associated with the transportation of materials off site to OSC.

*Failure to provide an adequate plan(s) may result in the direction to replace the contractor by EPA.

Provide EPA with intention to conduct cleanup operations no later than June 16, 2016 by close of business. Provide all required plans by June 21, 2016. If you have any questions regarding legal authorities, rights, or sanctions under the law, contact the Emergency Response Advisor in the Office of Regional Counsel, at 415-972-3904. If you have any technical or operational questions, contact the OSC, at the telephone number listed below. During non-business hours, you may also contact the EPA Duty Officer, at 415-300-2193.

On-Scene Coordinator: Name: Robert Wise
 Phone: 562-889-2572
 Email: wise.robert@epa.gov

Acknowledgment of Receipt

Received

by: _____

Date: _____

cc: File

_____, EPA ORC